

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

D/F

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LOCAL UNION NO. 1 OF THE UNITED  
ASSOCIATION OF JOURNEYMEN AND  
APPRENTICES OF THE PLUMBING AND PIPE  
FITTING INDUSTRY OF THE UNITED STATES  
AND CANADA,

Petitioner,

**ORDER**

-against-

**13-CV-3837 (NGG) (VVP)**

BASS PLUMBING & HEATING CORP.,

Respondent.

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NICHOLAS G. GARAUFIS, United States District Judge.

Petitioner, Local Union No. 1 of the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada ("Local Union"), brings this action pursuant to section 301 of the Labor Management Relations Act ("LMRA"), 29 U.S.C. § 185. (Pet. (Dkt. 1) ¶ 2.) Petitioner seeks to confirm an industry arbitration award directing Respondent Bass Plumbing & Heating Corp. to pay \$50,015.91 in unpaid wages and fringe benefits owed to Union employees under a collective bargaining agreement. (*Id.* ¶¶ 1, 18.) On December 27, 2013, Petitioner filed a fully briefed motion for summary judgment (Pet'r's Mot. for Summ. J. (Dkts. 13-18)), which the court subsequently referred to Magistrate Judge Viktor V. Pohorelsky for a Report and Recommendation ("R&R") pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b)(1) (Apr. 10, 2014, Order).

On October 28, 2014, Judge Pohorelsky issued an R&R recommending that the court grant Petitioner's motion and confirm Petitioner's award.<sup>1</sup> (R&R (Dkt. 19) at 29.) No party has objected to Judge Pohorelsky's R&R, and the time to do so has passed. See Fed. R. Civ. P. 72(b)(2). (See also R&R at 29 ("Any objections to the Report and Recommendation above must be filed with the Clerk of the Court within 14 days of receipt of this report. Failure to file objections within the specified time waives the right to appeal any judgment or order entered by the District Court in reliance on this Report and Recommendation.").) Therefore, the court reviews the R&R for clear error. See Gesualdi v. Mack Excavation & Trailer Serv., Inc., No. 09-CV-2502 (KAM) (JO), 2010 WL 985294, at \*1 (E.D.N.Y. Mar. 15, 2010); La Torres v. Walker, 216 F. Supp. 2d 157, 159 (S.D.N.Y. 2000); cf. 28 U.S.C. § 636(b)(1). Finding no clear error in Judge Pohorelsky's thorough report, the court adopts the R&R in full. See Porter v. Potter, 219 F. App'x 112 (2d Cir. 2007) (summary order).

Accordingly, the court ADOPTS IN FULL the R&R and GRANTS Petitioner's motion for summary judgment. Petitioner's arbitration award in the amount of \$50,015.91 is CONFIRMED in its entirety. The Clerk of Court is respectfully DIRECTED to enter judgment and close this case.

SO ORDERED.

s/Nicholas G. Garaufis

Dated: Brooklyn, New York  
March 24, 2015

NICHOLAS G. GARAUFIS  
United States District Judge

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<sup>1</sup> In its petition, Local Union also sought a judgment for interest from the date of the arbitration award. (See Pet. at 5.) Because the award itself was silent on the issue of pre-judgment interest, however, Judge Pohorelsky recommended that the court deny Petitioner's request for interest. (R&R at 29.)